

State of South Dakota

EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

400L0368

HOUSE ENGROSSED NO. **SB 54** - 01/27/2005

Introduced by: The Committee on Judiciary at the request of the Department of Social Services

1 FOR AN ACT ENTITLED, An Act to clarify the procedure to be followed for expedited abused
2 or neglected child proceedings.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 26-8A-21.2 be amended to read as follows:

5 26-8A-21.2. If the court has determined that reasonable efforts to return an adjudicated
6 abused or neglected child to the home of the parent, guardian, or custodian are not appropriate,
7 a permanency hearing shall be held within thirty days after the determination. At the
8 permanency hearing, the court shall determine whether and, ~~if applicable,~~ when:

9 (1) The child should be placed for adoption, ~~and, If the court determines that the child~~
10 should be placed for adoption, the state ~~should file a petition for~~ shall notify the
11 parties of its intent to seek the termination of parental rights if such notice has not
12 already been provided;

13 (2) The child should be referred for legal guardianship;

14 (3) The child should be placed permanently with a fit and willing relative; or

15 (4) A compelling reason is documented with the court that none of the permanent plans



1 listed in this section would be in the best interest of the child, and the child should
2 be placed in another planned permanent living arrangement.

3 The court may immediately proceed with a final dispositional hearing if proper notice of the
4 hearing has been given.